

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**Nashville, Tennessee**

**November 26, 2003**

<b>IN RE:</b>	)	
	)	
<b>IMPLEMENTATION OF THE FEDERAL</b>	)	<b>DOCKET NO.</b>
<b>COMMUNICATIONS COMMISSION'S</b>	)	<b>03-00491</b>
<b>TRIENNIAL REVIEW ORDER – 9</b>	)	
<b>MONTH PROCEEDING – SWITCHING</b>	)	
	)	

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**ORDER GRANTING UNOPPOSED MOTION OF XSPEDIUS, BIRCH, AT&T, MOMENTUM, NEWSOUTH AND ACCESS INTEGRATED NETWORKS AND MOTION OF NUVOX FOR ONE DAY EXTENSION**

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This docket is before the Hearing Officer for consideration of the *Motion of Nuvox for One Day Extension* filed on November 24, 2003 and the *Unopposed Motion of Xspedius, Birch, AT&T, Momentum, NewSouth and Access Integrated Networks* filed on November 24, 2003.

In the *Motion of Nuvox for One Day Extension*, Nuvox Communications, Inc. ("Nuvox") requests a one-day extension of the deadline to file responses to discovery requests. Nuvox cites the large volume of questions in support of its motion. Nuvox notes that BellSouth Telecommunications, Inc. ("BellSouth"), the Consumer Advocate and Protection Division ("CAPD"), United-Telephone Southeast, Inc. and Sprint Communications Company, L.P. (collectively "Sprint") do not object to its motion.

In the *Unopposed Motion of Xspedius, Birch, AT&T, Momentum, NewSouth and Access Integrated Networks*, movants request that Birch Telecom of the South, Inc. ("Birch"), Access Integrated Networks ("AIN"), Momentum Business Solutions

("Momentum"), AT&T Communications of the South Central States, LLC ("AT&T"), and NewSouth Communications, Corp. ("NewSouth") be granted an extension until December 1, 2003 to respond to discovery requests and that Xspedius Communications ("Xspedius") be granted an extension until December 5, 2003 to respond to discovery requests.


As to AIN, Momentum, AT&T, NewSouth, and Birch, movants assert that they have reached an agreement whereby they will provide BellSouth responses to the same requests to which AT&T has agreed to respond and BellSouth will not oppose their request for an extension. Further, if BellSouth is unsatisfied with the responses, AIN, Momentum, AT&T, NewSouth, and Birch agree that they will not oppose a BellSouth motion to file motions to compel by December 15, 2003. As to Xspedius, BellSouth agreed that Xspedius may file Tennessee-specific responses by December 5, 2003 as long as Xspedius also files regional responses by December 5, 2003 and works reasonably with BellSouth. According to the motion, neither the CAPD nor Sprint opposes this motion.

BellSouth is the only carrier that served Nuvox, AIN, Momentum, AT&T, NewSouth, Birch, and Xspedius with discovery requests. Those requests were filed on October 29, 2003 and responses are due on November 24, 2003. All factors weigh in favor of granting the requested extensions. There are no objections from those parties that have indicated their intention to actively participate in this docket. Further, AIN, Momentum, AT&T, NewSouth, Birch, and Xspedius have reached an agreement with BellSouth for the filing of discovery responses that may reduce the need for BellSouth to file motions to compel. Based on these finding, the Hearing Officer concludes that the motions should be granted.

**IT IS THEREFORE ORDERED:**

1) The *Motion of Nuvox for One Day Extension* is granted. Nuvox Communications, Inc. shall file its responses to interrogatories and requests for production of documents by **Wednesday, November 25, 2003**.

2) The *Unopposed Motion of Xspedius, Birch, AT&T, Momentum, NewSouth and Access Integrated Networks* filed on November 24, 2003 is granted. Access Integrated Networks, Momentum Business Solutions, AT&T Communications of the South Central States, LLC, and NewSouth Communications, Corp. shall file their responses to interrogatories and requests for production of documents by **Monday, December 1, 2003**. Xspedius Communications shall file its responses to interrogatories and requests for production by **Friday, December 5, 2003**.

  
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Ron Jones, Director  
As Hearing Officer<sup>1</sup>

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<sup>1</sup> During the September 22, 2003 Authority Conference, a panel of the Tennessee Regulatory Authority consisting of Chairman Deborah Taylor Tate and Directors Pat Miller and Ron Jones unanimously voted to appoint Director Ron Jones as the Hearing Officer to prepare the switching portion of this case for a hearing by the panel. Transcript of Proceedings, Sept. 22, 2003, pp. 73-75 (Authority Conference).